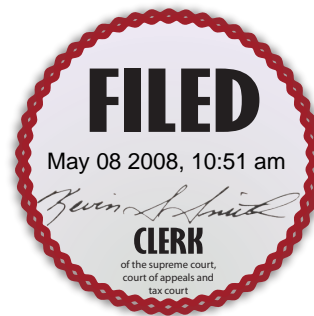


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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JAMES G. WILSON,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 29A02-0802-CR-90

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APPEAL FROM THE HAMILTON SUPERIOR COURT

The Honorable William J. Hughes, Judge

Cause No. 29D03-0601-CM-1

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**May 8, 2008**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**FRIEDLANDER, Judge**

James Wilson was convicted of Domestic Battery,<sup>1</sup> Battery Resulting in Bodily Injury,<sup>2</sup> and Resisting Law Enforcement,<sup>3</sup> all as class A misdemeanors. Wilson challenges the sufficiency of the evidence with regard to his domestic battery conviction as the sole issue on appeal.

We affirm.

The facts most favorable to the conviction reveal that on the afternoon of December 30, 2005, Audrey Coomer received a phone call from her daughter, Jamie Wilson. After the call, Coomer drove to pick up a friend, Margaret Miller, and the two drove to Jamie's home in Noblesville. Coomer approached the front door and was let in by one of the children that lived in the home. Upon entering, Coomer saw Wilson, Jamie's husband, and asked him if she could speak with Jamie. Coomer observed that there were broken items and blood spots on the carpet. Coomer began to walk through the house, but Wilson stopped her and told her to leave. When Coomer turned to walk back outside, Wilson grabbed her neck and held her down over a porch railing while he hit her in the side of the head with his fist. Coomer managed to throw her cell phone to Miller, who called 911.

In the meantime, Jamie came outside and told Wilson to stop hitting her mother. Wilson released Coomer, turned around, and hit Jamie twice in the stomach.<sup>4</sup> One of

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<sup>1</sup> Ind. Code Ann. § 35-42-2-1.3(a) (West, PREMISE through 2007 1st Regular Sess.).

<sup>2</sup> I.C. § 35-42-2-1(a)(1)(A) (West, PREMISE through 2007 1st Regular Sess.).

<sup>3</sup> Ind. Code Ann. § 35-44-3-3(a)(1) (West, PREMISE through 2007 1st Regular Sess.).

<sup>4</sup> At the time, Jamie was nine months pregnant.

Jamie's friends intervened and tried to pull Wilson away from Jamie. Wilson then hit Jamie's friend.

Police arrived soon thereafter, and Wilson retreated into his home with the family's children. Wilson refused to answer questions and refused to let the police enter his home. After the officers received permission from Jamie to enter the home, the officers forced the front door open. Wilson resisted the officer's attempts to place him in handcuffs, so one of the officers used a taser to subdue him.

One of the first officers on the scene described Jamie's demeanor as "visibly shaken" and upset. *Transcript* at 137. During a physical examination of Jamie at the hospital, Coomer observed red marks on Jamie's stomach.

On January 3, 2006, the State charged Wilson with domestic battery, battery resulting in bodily injury, and resisting law enforcement, all as class A misdemeanors. Following a jury trial on August 2, 2007, Wilson was found guilty as charged. The trial court subsequently sentenced Wilson to 365 days, all suspended, for domestic battery; 365 days executed for battery resulting in bodily injury; and 365 days executed for resisting law enforcement. The sentences were ordered to be served consecutively.

On appeal, Wilson challenges the sufficiency of the evidence only as to his conviction for domestic battery. Specifically, Wilson contends that the evidence did not establish that Jamie suffered bodily injury.

Our standard of review is well settled. When considering a challenge to the sufficiency of evidence to support a conviction, we respect the fact-finder's exclusive province to weigh the evidence and therefore neither reweigh the evidence nor judge

witness credibility. *McHenry v. State*, 820 N.E.2d 124 (Ind. 2005). We consider only the probative evidence and reasonable inferences supporting the verdict, and “must affirm ‘if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt.’” *Id.* at 126 (*quoting Tobar v. State*, 740 N.E.2d 109, 111-12 (Ind. 2000)).

To convict Wilson of domestic battery, the State was required to prove that Wilson knowingly or intentionally touched Jamie, his wife and/or who has a child in common with him, in a rude, insolent, or angry manner that resulted in bodily injury to Jamie. I.C. § 35-42-2-1.3. “Bodily injury” is defined as “any impairment of physical condition, including physical pain.” Ind. Code Ann. § 35-41-1-4 (West, PREMISE through 2007 1st Regular Sess.).

Here, Coomer and Miller each testified that they saw Wilson hit Jamie, who was nine months pregnant at the time, in the stomach once with each hand. Coomer further testified that she observed red marks on both sides of Jamie’s stomach while Jamie was being examined at the hospital. Based upon this evidence, the jury could reasonably infer Wilson caused Jamie bodily injury when he punched her in the stomach. *See, e.g., Kazmier v. State*, 863 N.E.2d 912 (Ind. Ct. App. 2007) (evidence that defendant poked victim with his finger, climbed on top of her, placed his knee against her chest while covering her mouth with his hand, and that afterward victim suffered bruising and a scratch on her face was sufficient to sustain conviction for battery resulting in bodily injury); *Cox v. State*, 774 N.E.2d 1025 (Ind. Ct. App. 2002) (finding sufficient evidence to support domestic battery conviction where officer testified that victim had injuries to

face and neck and victim said that defendant struck her in the face and choked her); *Hanic v. State*, 406 N.E.2d 335 (Ind. Ct. App. 1980) (finding sufficient evidence to establish bodily injury where officer observed red marks and bruises on victim's arms and victim testified that defendant grabbed, pulled, and knocked her down several times).

Judgment affirmed.

BAILEY, J., and KIRSCH, J., concur.